

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 2, 8-16, 22-27, 30 and 31 are pending. Claims 1, 15, 30 and 31, which are independent, are hereby amended. Claims 3-7, 17-21, 28 and 29 have been canceled without prejudice or disclaimer of subject matter. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the Specification, specifically, page 10, lines 13-25. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1, 2, 13, 15, 16, 26, 30 and 31 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2004/0034629 to Genser (hereinafter, merely “Genser”) in view of U.S. Publication No. 2003/0110124 to Escher (hereinafter, merely “Escher”).

Claims 3, 4, 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of Escher and in further view of U.S. Publication No. 2005/0091240 to Berkowitz et al. (hereinafter, merely “Berkowitz”).

Claims 5 and 19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of Escher and Berkowitz and further in view of U.S. Patent No. 6,304,928 to Mairs et al. (hereinafter, merely “Mairs”).

Claims 8, 9, 22 and 23 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of Escher.

Claims 10-12, 24 and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of Escher and in further view of Mairs.

Claims 14 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of Escher and in further view of U.S. Publication No. 2004/0148281 to Bates et al. (hereinafter, merely “Bates”).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...wherein each time a new search criterion is provided, a determination is made whether said new search criterion refers to an attribute that has already been specified by an earlier search criterion stored in said contribution stack,

wherein when said new search criterion refers to an attribute that has already been specified by an earlier search criterion in said contribution stack, said earlier search criterion is erased from said contribution stack, and said new search criterion is pushed onto said contribution stack,

wherein an intermediate entry which has been added to the contribution stack between said new search criterion and said earlier search criterion is maintained within the set of search criteria...” (emphasis added)

As understood by Applicants, Genser relates to a system and method for organizing search criteria match results. The system includes a context software module, for

enabling the generating of a context database consisting of content, links, and layouts organized for presentation to the user. The system also includes a criteria software module for enabling the generating of a comparison database, adapted to enable criteria to be submitted, modified, and input by the user to generate comparison database information. It also includes an argument software module for enabling an argument consisting of an expression constructed for a specific purpose to be formed and submitted.

Applicants submit that nothing has been found in Genser that would teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that the cited portions of Genser, specifically paragraph 0059, lines 7-10, teaches that “[f]or a user action of entering a search term, the user may type a term into the search term entry field, and click on a find button. The field may then be cleared and the term placed in a search term history list.”

Applicants submit that such disclosure does not refer to the case that a former search constraint is erased from the contribution stack. Furthermore, such disclosure does not teach or suggest an erasure of search criteria at all. The disclosure merely teaches that addition of a search term to a search term history list.

As understood by Applicants, Escher relates to financial analysis and particularly to providing a technical event identification service.

The feature of “wherein an intermediate entry is maintained within the set of search criteria upon altering the search constraints” as recited in response to the previous Office Action has been clarified to even further distinguish the present invention from the state of the art. While the previous Office Action stated that the feature is disclosed in the above mentioned US 2004/0034629 by Genser. The Examiner especially referred to paragraph 0059, lines 7 to 10, wherein the following is mentioned “For a user action of entering a search term, the user may

type a term into the search term entry field, and click on a find button. The field may then be cleared and the term placed in a Search Term History list.”

However, it is Applicants position that the mentioned passage in the mentioned document of the state of the art does not refer to the case that a former search constraint is erased from the contribution stack. In fact, the reference document does not deal with the erasure of search criteria at all. The passage cited by the Office Action merely refers to the addition of a Search Term to a Search Term History list.

Applicants submit that the Examiner has simply misinterpreted the above-mentioned feature which was added in response to the last Office Action. Nevertheless, the wording of that feature has been amended in order to make it clear that it refers to a different action with regard to the document cited before. The feature is originally disclosed on page 10, 2<sup>nd</sup> paragraph of the description of the present application.

Thus, the term “intermediate entry” is defined according to page 10, 2<sup>nd</sup> paragraph of the description of the present application. It has to be noted that such an amended claim 1 also contains the features of previous claims 3 and 4 which are necessary for the definition of “intermediate entry.”

In this regard it has to be noted that Berkowitz et al. (US 2005/0091240 A1) discloses that a closure message is passed to an arbitration object where it is queued at the top of the pre-arbitration queue after deleting any duplicate closure message already on the queue.

However, Berkowitz is directed generally to the dynamic synchronizing of database tables among multiple network computers (cf. paragraph [0002] of said document). In contrast thereto, claim 1 is not directed to network systems, but merely to a database query set-up tool and a method for setting up a query.

Moreover, Berkowitz refers to multiple nodes in a computer network which perform work on a shared entity, such as a database record. The arbitration mechanism described therein is used to ensure different changes made on more than one node to the same data is propagated to each of the nodes holding the shared entity and that the changes are applied in the same order to each of the nodes. The arbitration cycle therefore reflects a decision whether or not the entity is passed to another one of the nodes (cf. paragraph [0041]). In contrast thereto, the claim 1 is related to a database adapted to receive different search criteria from the same input mechanism in order to search among the database. A passing on of the database to another node as it is mentioned in the document of the state of the art is not the subject matter of the present invention. Therefore, the person skilled in the art would not have taken into account Berkowitz.

Applicants respectfully submit that Genser and Escher, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion that each time a new search criterion is provided, a determination is made whether said new search criterion refers to an attribute that has already been specified by an earlier search criterion stored in said contribution stack, wherein when said new search criterion refers to an attribute that has already been specified by an earlier search

criterion in said contribution stack, said earlier search criterion is erased from said contribution stack, and said new search criterion is pushed onto said contribution stack, wherein an intermediate entry which has been added to the contribution stack between said new search criterion and said earlier search criterion is maintained within the set of search criteria, as recited in claim 1.

Applicants submit that none of the art used as a basis of rejection of any dependent claim provides the disclosure missing from Genser and Escher.

Furthermore, Applicants respectfully submit that the combination of art used as a basis of rejection of the dependent claims is improper because it lacks motivation and is based on improper hindsight using the claimed invention as a blueprint.

Therefore, Applicants submits that independent claim 1 is patentable.

Independent claims 15, 30 and 31 recite similar, or somewhat similar features, and are patentable for similar reasons.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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